

Rec'd PCT/PTO 23 AUG 2005



GlaxoSmithKline

**FAX****To** Attn: Shelby Vigil**Company** USPTO**Fax** 703-305-3230**From** Valerie L. Phillips**Tel** 919-483-8223**Fax** 919-483-5730**E-mail** Vlp47157@gsk.com**Date** August 23, 2005**Pages including cover** 9**Subject** Response to Missing Requirements

Glaxo Wellcome Inc.  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709  
Tel: 919 483 2100  
www.gsk.com

**Serial No.:** 10/528,613**Filing Date:****Applicant:** Eatherton et al.**Title:** Pyridine Derivatives As CB2 Modulators**Attached:**

Certificate of transmission via facsimile

Notification of Missing Requirements under 35 U.S.C. 371 in the US.....

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371

Declaration

Thank you,

Valerie Phillips

**Certificate of Transmission by Facsimile (37 CFR 1.8)**

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3230) on August 23, 2005.

*Valerie L. Phillips*  
Valerie L. Phillips

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FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

23 AUG 2005

ATTORNEY'S DOCKET NUMBER

P33118USW

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/528,613

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.  
PCT/EP03/10930INTERNATIONAL FILING DATE  
September 25, 2003PRIORITY DATE CLAIMED  
September 27, 2002

## TITLE OF INVENTION

Pyridine Derivatives As CB2 Receptor Modulators

## APPLICANT(S) FOR DO/EO/US

EATHERTON, Andrew, John; GIBLIN, Gerard, Martin, Paul; JANDU, Karamjit, Singh; MITCHELL, William, Leonard;  
NAYLOR, Alan; PALOMBI, Giovanni; RAWLINGS, Derek, Anthony; SLINGSBY, Brian, Peter; WHITTINGTON, Andrew, Richard

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include Items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☐ Other items or information:

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Approved for use through: U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
OMB C-121  
It displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information only if it displays a valid OMB control number.

U.S. APPLICATION NO (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/528,613		PCT/EP03/10930		P33118USW	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee				\$300	\$ \$0.00
25. <input type="checkbox"/> Examination fee					
If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).				\$100	\$ \$0.00
All other situations.				\$200	
26. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100	
International Search Report prepared and provided to the Office				\$400	\$ \$0.00
All other situations.				\$500	
TOTAL OF 24, 25 and 26 =					\$ \$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0	/50 =	0	x \$250.00	\$ \$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).					\$ \$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$ \$0.00	
Independent claims	- 3 =	0	x \$200.00	\$ \$0.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$ \$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ \$130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ \$0.00	
SUBTOTAL =				\$ \$130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ \$0.00	
TOTAL NATIONAL FEE =				\$ \$130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$ \$0.00	
TOTAL FEES ENCLOSED =				\$ \$130.00	
				Amount to be	\$
				Amount to be	\$

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

**23347**

Robert H. Brink  
SIGNATURE  
Robert H. Brink  
NAME  
36,094  
REGISTRATION NUMBER



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22319-1450  
www.uspto.gov

4/10/05/JSY/LVK/val

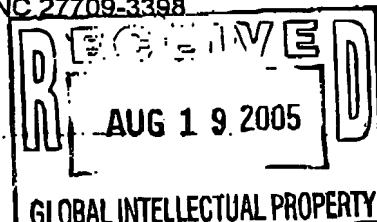
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,613	Andrew John Eatherton	P33118USW

INTERNATIONAL APPLICATION NO
PCT/EP03/10930

23347  
GLAXOSMITHKLINE  
CORPORATE INTELLECTUAL PROPERTY, MAI B475  
FIVE MOORE DR., PO BOX 13398  
RESEARCH TRIANGLE PARK, NC 27709-3398

LA. FILING DATE	PRIORITY DATE
09/25/2003	09/27/2002

CONFIRMATION NO. 4037  
371 FORMALITIES LETTER  
\*OC000000016767677\*  
\*OC000000016767677\*



Date Mailed: 08/15/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/21/2005
- Preliminary Amendments filed on 03/21/2005
- Information Disclosure Statements filed on 03/21/2005
- U.S. Basic National Fees filed on 03/21/2005
- Priority Documents filed on 03/21/2005

DOCKETED

Docket No: P33118USW  
Attorney: JSY (LVK)  
Paper: Declaration w/ fee  
Due Date: 15 OCT 2005  
Deadline: 15 MAR 2006  
Recorded: M

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,**

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**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

**Fax No. for PCT/DO/EO/US**  
**703-305-3230**

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,613	PCT/EP03/10930	P33118USW

FORM PCT/DO/EO/905 (371 Formalities Notice)

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